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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,123	11/09/2001	Byron L. Bemis	25120A	5667
22889	7590	11/10/2003		
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			EXAMINER	
			HUG, ERIC J	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/037,123	Applicant(s) BEMIS ET AL.
	Examiner Eric Hug	Art Unit 1731
Period for Reply		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,8,10-15 and 19 is/are rejected.
- 7) Claim(s) 5-7,9,16-18 and 20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 8, 10, 12-15, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Grundy et al (US 5,948,135). Grundy discloses a bushing and frame arrangement for making glass fibers. The arrangement comprises a bushing 12 with tip plate 13, sidewalls 15 and 16, flanges 18 and 19 extending perpendicular from the sidewalls to help support the bushing assembly (reads on claimed support rails), and a rigid frame structure having side members 20 and 21 coupled to the sidewalls through intervening refractory material 22. The side members 20 and 21 have flanges extending from both ends and the middle portion is secured to the refractory material (reads on claimed intermediate member coupled to main body side wall). Clamps 26 and 27 secure the bushing assembly to the underside of forehearth 10 via the upper flanges of the side members (reads on claimed supports straps).

2. Claims 1-3, 8, 10, 12, 13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Coggin Jr. (US 3,988,135). Coggin Jr. discloses an assembly for drawing glass fibers. The assembly in Figures 2 and 6 comprises an orifice plate 38 (tip plate), sidewalls (34), flanges 36 extending perpendicular from the sidewalls (reads on claimed support rails), and a supporting

framework comprised of angle members 28 which engage the lateral sides of the assembly via an intervening bushing block 30. The angle members engage the lateral sides of the assembly along the length of the angle members, rather than just at the ends, therefore the intermediate portion of the angle members are coupled to the sides.

3. Claims 1-3, 8, 10, 12, 13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by McEathron (US 4,537,609). McEathron discloses a bushing arrangement for making glass fibers. The arrangement comprises main bushing 6 having nozzles 11 at the bottom (tip plate), sidewalls, flanges 7 extending perpendicular to the sidewalls (reads on claimed support rails), and supporting frame comprising frame members 5 (brackets) which are coupled to the sidewalls and to an intervening refractory material 4.

4. Claims 1-3, 8, 10-13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al (US 4,146,373). Sullivan discloses a bushing construction for making glass fibers. The bushing comprises tip plate (26 with orifices 28), sidewalls 22, flanges 30 extending perpendicular to the sidewalls (support rail), and intermediate flanges 34 affixed to the sidewalls to provide strength. The flanges are surrounded by refractory material 38. The bushing is supported by frame 46 with lower flanges 48 and upper flanges 50. The frame 46 reads on the claimed support strap with upper flanges 50 reading on the claimed first end and lower flanges 48 reading on the claimed second end. The refractory material 38 between the frame and flanges reads on the claimed insulating member between the claimed support rail and support strap second end.

Allowable Subject Matter

Claims 5-7, 9, 16-18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or suggest a bushing assembly having supporting brackets with two legs and intermediate portions between the two legs whereby the intermediate portion is welded directly onto the side walls and the support rail. The prior art also does not disclose or suggest a supporting bracket as claimed having slots for welding to the side walls and/or supporting rail. The prior art also does not disclose or suggest a plurality of supporting brackets as claimed along the side walls, each bracket having intermediate members coupled to the side walls.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hynd (US 3,985,530) discloses a bushing arrangement for making glass fibers having a main bushing with side walls mounted into an L-shaped frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 703 308-1980. The examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.

jeh


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700